

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROOSEVELT ROAD RE, LTD,
TRADESMAN PROGRAM MANAGERS, LLC,

Case No.: 1:24-cv-01549-NG-LB

Plaintiffs,

-against-

NOTICE OF MOTION

JOHN HAJJAR, MD, SURGICARE, LLC, SURGICARE OF
MANHATTAN, LLC, SURGICARE OF WESTSIDE, LLC,
SURGICARE, PC, BORO VENTURES, LLC, SOVEREIGN
MEDICAL GROUP, LLC, SOVEREIGN MANAGEMENT,
LLC, REGENT MEDICAL PROPERTIES, LLC, ANTHONY
DeGRADI, WAYNE HATAMI, FELIKS KOGAN, LEONID
TYLMAN, GREGG ROCK, SIDDHARTHA SHARMA, MD,
SURGICORE, LLC, SURGICORE MANAGEMENT, INC.,
SURGICORE MANAGEMENT, LLC, SURGICORE 5th
AVENUE, LLC, KTHD INVESTMENT LLC, NY ORTHO
SPORTS MEDICINE & TRAUMA, PC, JEFFREY STONE
KAPLAN, MD, MATTHEW P. GRIMM, MD, ADRIAN
PUIA, RPT, JOSEPH WEINSTEIN DO, PC, JOSEPH
WEINSTEIN, DO, UNIVERSITY ORTHOPEDICS OF NEW
YORK, PLLC, STEVEN JOHN TOULIOPOULOS, MD,
CHARLES A. DeMARCO, MD, ANDREW M. CRUZ, RPA,
ANDREW MEROLA, MD, KOLB RADIOLOGY, PC,
THOMAS M. KOLB, MD, LENOX HILL RADIOLOGY
AND MEDICAL IMAGING ASSOCIATES, PC,
FOGELGAREN FORMAN & BERGMAN, LLP, ERIC
FOGELGAREN, JONATHAN FORMAN, ROBERT
BERGMAN, GORAYEB & ASSOCIATES, PC,
CHRISTOPHER J. GORAYEB, FRANCISCO PAYANO,
SISA PAKARI CULTURAL CENTER INC., SISA PAKARI
CENTRO CULTURAL & LABORAL, INC. FANNY
GUADALUPE, ROLANDO MANZANO MORENO, CIDEL
DEL CARMEN TANDOZA MORENO,

Defendants.

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PLEASE TAKE NOTICE that upon the Declaration of Robert Bergman dated January 22, 2025, and the exhibit annexed thereto, the Declaration of Eric Fogelgaren dated January 22, 2025, and the exhibits annexed thereto, the Declaration of Sean E. Kelly dated January 22, 2025,

and the exhibits annexed thereto, together with the accompanying Joint Memorandum of Law in support of Defendants' Motions to Dismiss dated January 22, 2025, and the Supplemental Memorandum of Law of Defendants Fogelgaren Forman & Bergman, LLP, Eric Fogelgaren, Jonathan Forman and Robert Bergman in Support of Motion to Dismiss dated January 22, 2025, the undersigned, on behalf of Defendants Fogelgaren Forman & Bergman, LLP, Eric Fogelgaren, Jonathan Forman and Robert Bergman, will move this Court, before the Honorable Nina Gershon at the Federal Courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11201, on a date and at a time designated by the Court for an Order: (i) pursuant to Fed. R. Civ. P. 12(b)(5), dismissing the action as to Robert Bergman for insufficient service of process; and (ii) pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), dismissing the Amended Complaint dated August 7, 2024 as to Fogelgaren Forman & Bergman, LLP, Eric Fogelgaren, Jonathan Forman and Robert Bergman, for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE, pursuant to this Court's Order dated December 20, 2024, any opposing declarations and answering memoranda shall be served on undersigned counsel for defendants on or before March 10, 2025.

Dated: Hawthorne, New York
January 22, 2025

TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP

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and Robert Bergman*

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CC: ALL PARTIES OF RECORD